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08/265,391 06/24/94 LEWIS

S JAS103CIP

HONG, S EXAMINER

24M1/0125

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ART UNIT PAPER NUMBER

2412

DATE MAILED: 01/25/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 12/6/95 9/15/95 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice re Patent Drawing, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, Form PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

- ☒ Claims 2-12, 14-26, 31-36, 40-41 are pending in the application.
Of the above, claims NONE are withdrawn from consideration.
- ☒ Claims 1, 13, 27-30, 37-39 have been cancelled.
- ☐ Claims are allowed.
- ☒ Claims 2-12, 14-26, 31-36, 40-41 are rejected.
- ☐ Claims are objected to.
- ☐ Claims are subject to restriction or election requirement.
- ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed on has been ☐ approved. ☐ disapproved (see explanation).
- ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. ; filed on
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

EXAMINER'S ACTION

Part III DETAILED ACTION

1. This action is responsive to communications: amendments, filed 9/15/95 and 10/6/95, to the application, filed on 6/24/94 which is a continuation-in-part of the application 07/975,824, filed on 11/13/92, which is patented (5,325,423) on 6/28/94.
2. In the amendments, claims 1, 13, 27-30 and 37-39 have been cancelled, and claims 40 and 41 have been added. Accordingly, claims 2-12, 14-26, 31-36 and 40-41 are pending in the case. Claims 31, 40 and 41 are independent claims.
3. The rejections of claims 1-10, 12-13, 15, 17 and 23-39 under 35 U.S.C. § 103 as being unpatentable over Hoarty et al., U.S. Pat. No. 5,220,420, 6/15/93 (filed on 9/10/91), 348/12 have been withdrawn as necessitated by the amendment.
4. The rejections of claims 14 and 18-22 under 35 U.S.C. § 103 as being unpatentable over Hoarty et al., U.S. Pat. No. 5,220,420, 6/15/93 (filed on 9/10/91), 348/12 in view of Glick et al., U.S. Pat. No. 5,283,819, 2/1/94 (filed on 4/25/91), 379/90 have been withdrawn as necessitated by the amendment.
5. The rejections of claims 11 and 16 are rejected under 35 U.S.C. § 103 as being unpatentable over Hoarty et al., U.S. Pat. No. 5,220,420, 6/15/93 (filed on 9/10/91), 348/12

in view of Wilson et al., U.S. Pat. No. 5,195,092, 3/16/93 (filed on 8/30/91), 370/94.2 have been withdrawn as necessitated by the amendment.

Priority

6. Acknowledgment is made of applicant's admission of error in claiming the PCT priority, which should have been the priority under 35 USC 120.

7. If applicant desires priority under 35 U.S.C. § 120 based upon a parent application, specific reference to the parent application must be made in the instant application. This should appear as the first sentence of the specification following the title, preferably as a separate paragraph. Status of the parent application (whether patented or abandoned) should also be included. If a parent application has become a patent, the expression "Patent No." should follow the filing date of the parent application. If a parent application has become abandoned, the expression "abandoned" should follow the filing date of the parent application.

Drawings

8. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

9. Acknowledgement is made of the revision to the Abstract which now better describes the claimed invention.

10. Acknowledgement is made to Applicant's effort in correcting informalities in the specification. Accordingly, the objection has been withdrawn. However, Examiner requests Applicant's cooperation in clarifying the following amendments to the specification, which were not entered because the words being replaced were not found in the given pages and lines:

- On page 7 of the amendment, "Page 24, line 19, delete ..." and "Page 25, lines 15-19 "
- On page 12 of the amendment, the amendments to claims 28 and 29 could not have been entered because the claims were cancelled.

Examiner also requests that Applicant continue reviewing the application carefully for other similar informalities.

Claim Rejections - 35 USC § 112

11. The rejections of claims 1-39 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite have been withdrawn pursuant to Applicant and view of the amendment.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

13. Claims 2-10, 12, 15, 17, 23-26, 31-36 and 40-41 are now rejected under 35 U.S.C. § 103 as being unpatentable over Hoarty et al., U.S. Pat. No. 5,220,420, 6/15/93 (filed on 9/10/91), 348/12 in view of Foster et al., U.S. Pat. No., 4,897,867, 1/90, 379/94.

With respect to newly added independent claim 40, Hoarty discloses the claimed apparatus including: Applicant claimed means for **receiving program materials and separating the program materials into primary and secondary layers** (in the prior art, column 7, line 5, "The regional processing center 4 converts and normalizes incoming digitized pictures, digitized sound and text into system standardized format." shows receiving the program materials. column 7, line 21, "the data are grouped by category ... then further processed to establish relevant associations or meaning amongst the data object" and line 62, "The layered data structure presents a uniform structure" show separating the materials into categories and

the categories being structured as layers.); **the multimedia call processing system** (column 8, line 13, "Once the data is assembled and processed at the regional center ...the data needs only be transferred to nodes 12 for access by the home users" shows that the "node" is responsive to the interactive material from the regional center and is responsible for providing information.); **means interactively for controlling the flow of multimedia information** (column 8, line 23, "The home user interacts with node 12 through a home interface controller 16"); **a plurality of interactive multimedia devices** (column 8, line 19, "Each node 12 can serve up to about 60 homes " and line 37, "The entire database that a user interacts..." show the plurality of devices, and also the "interaction" shows both receiving and transmitting.);

However, Hoarty does not show the limitations as amended, specifically: (1) **separating the information into primary and secondary layers using psychographic parameters to differentiate between important and less important**; (2) **responsive to the voice mode control signal for branching to a program branch**. As per the second limitation, Foster discloses receiving voice mode control for branching through a program selection (col.2, lines 23-35, "customer entered order entry.. with a customer signal receiver ... the central processor abandons normal call processing, and collects order ... and ...activates the input/output processor for sending the collected order"; col.7, lines 5-14 shows choosing the selection, thus the means for branching to the selection.). The limitation of switching back to the voice mode is inherently shown, since the central processor can receive a plurality of orders from a plurality of customers. It would have been obvious to a

person of ordinary skill in the art at the time the invention was made to have combined the feature of Foster and Hoarty, since Foster's automated telephone order would have provided the multimedia to ordered and distributed without a human operator. As per the first amended limitation, Hoarty does show using psychographic parameters: **using demographic data for the interactive multimedia communication** (column 17, line 61, "a variety of commercials targeted to different demographic groups, such that the commercial viewed by one class of users would be customized to the interests of those viewers..."), but does not specifically said the primary and secondary layer of multimedia data are organized according to the psychographic parameters. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have optimized the program material into the psychographic parameters, since organizing the data according to the use would have provided optimization.

With respect to dependent claim 2, Hoarty discloses the claimed apparatus including: the IMM system providing for **subjective control of the quality** of the multimedia information (column 17, line 29, "The nodes ... can be programmed to control the home interface controllers ...asking those users whether they are interested in receiving additional information ..." shows the subjective control, giving the agreed users additional multimedia information, thus giving better (robust information) quality.).

With respect to dependent claim 3, Hoarty discloses the claimed apparatus including: the IMM system providing for **objective control of the quality** of the multimedia information **through the use of a quality metric** (column 17, line 50, "users watching a particular program would automatically be switched to a virtual channel over which a commercial customized for their particular demographic location would be transmitted" shows the objective control and the metric being the demographic data.).

With respect to dependent claim 4, Hoarty discloses the claimed apparatus including: Applicant claimed means for **creating multiple multimedia files** for use by the multimedia mastering system (column 7, lines 5-19, "The regional center converts and normalizes .. into system standardized format ...into an object-oriented database. Each object in the database is made up of one or more of ... one or more digitized photographic ... sound ...text ..." shows the plurality of multimedia files).

With respect to dependent claims 5 and 6 Hoarty discloses the claimed apparatus including: the IMD coupled to a **printer** (claim 5) and couple to a **display** (claim 6)(column 3, line 65, "to provide users with printers for printing"; column 5, line 53, "views the system output on an unmodified home television set" shows a display.).

With respect to dependent claim 7, Hoarty discloses the claimed apparatus including: means for **using demographic data for the interactive multimedia communication** (column 17,

line 61, "a variety of commercials targeted to different demographic groups, such that the commercial viewed by one class of users would be customized to the interests of those viewers..."), except for disclosing that the **demographic information is stored in each of the IMD and the information is forwarded** at an appropriate time. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have stored the demographic information in each IMD, since each IMD would have been placed in each location of the users. Also, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have forwarded the demographic information at an appropriate time, since, as Hoarty disclosed above, the demographic information would have been useful for the commercials and the appropriate time would have been the time the commercials were to be played.

With respect to dependent claim 8, Hoarty discloses the claimed apparatus including: the IMD that can **delay transmission** (column 16, lines 38-48, "a user can program the system to turn on a lamp in his house at a certain time .. At the time programmed for activation, the node sends an instruction to the user's home interface controller.."), except for **delaying until the communication network is not in use**. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have delayed the transmission until the network is not in use, since it would have avoided the overcrowding and even overloading of the communication network.

With respect to dependent claim 9, Hoarty discloses the claimed apparatus in which the **display comprises a television** (column 5, line 53, "views the system output on an unmodified home television set").

With respect to dependent claim 10 and 15, Hoarty discloses the claimed apparatus in which control of the transmission uses a **standard voice response system** (claim 10) and a **telephone handset** (claim 15). As shown as explained with respect to independent claim 40 above, the user speaks to the advertiser directly over the phone. The use of the telephone handset is inherently shown, as one would speak through the handset in order to communicate.

With respect to dependent claim 12, Hoarty discloses the claimed apparatus in which control of the transmission uses a **computer processing system** (column 3, line 66, "the source of updates, usually from the central processing computer...").

With respect to dependent claim 13, Hoarty discloses the claimed apparatus in which a **printer is connected to the IMD** (column 3, line 65, "to provide users with printers for printing").

With respect to dependent claim 17, Hoarty discloses the claimed apparatus in which a **remote control is used to control and select** the transmission and presentation (column 3, line 57, "the system are provided with a remote control for inputting user commands").

With respect to dependent claim 23, Hoarty discloses the claimed apparatus wherein **certain portions of multimedia are designated as primary and certain portions as secondary** (column 7, line 21, "the data are grouped by category ... then further processed to establish relevant associations or meaning amongst the data object"). Any information that are requested first would have been primary and the subsequent information would have been secondary designation, thus they are inherently shown.

With respect to dependent claim 24, Hoarty discloses the claimed apparatus as explained with respect to claim 23, which is herein incorporated, except for disclosing that **the transmission can occur simultaneously**. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have simultaneously transmitted both primary and secondary information, since it would have provide more information to the user, and the multiplexing technique, which was used to send multiple data simultaneously, was well known in the art.

Dependent claims 25 and 26 is for a substantially similar apparatus as the apparatus in dependent claim 9, except for **the transmission line being a telephone line**. However, it

would have been obvious to a person of ordinary skill in the art at the time the invention was made to have used a telephone line as the communication line, since telephone line was a widely available communication lines, as it reached almost every household.

With respect to newly added independent claim 41, Hoary discloses the claimed apparatus including: Applicant claimed **means for separating into primary and secondary layers** (explained in the rejection of claim 40 which is incorporated herein); **memory means for receiving the information from the modem means**(column 6, line 9, "Data from these providers is received via computer modem ..." and line 19, "The headend computer acts as a store" show the memory means.); **means for enhancing the primary layer** (column 6, line 24, "the headend computer 8 transmits the data updates at a preferred data rate of 9600 bps or greater" inherently shows that the faster data is chosen for speedy interchange of information, hence enhancing interactivity.); **the enhancing means further comprising means for determining whether one or a first and second approach is to be followed** (explained with respect to dependent claim 39 and is herein incorporated.); **means for decompressing the primary layer** (column 18, line 29, "The nodes ... can also be used for decompressing"); **means for transmitting the uncompressed portion received from the telephone network** (column 19, line 29, "Decompressed programming is transmitted ...") and means for providing an **output to a display** (explained with respect to dependent claim 6), except for disclosing **means for mixing the decompressed portion with the uncompressed portion** and means for **interactively controlling** the multimedia modem

means, compressing means, decompressing means, mixing means. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have mixed the decompression portion with the uncompressed porting for transmission, since it was a commonly used technique of multiplexing. Further, it would have allowed more information to be transmitted with given communication medium, as one of ordinary skill would have known, not all data is compressible, thus compressing as much as possible would have provided more efficiency. Hoarty discloses the means for controlling the decompression (column 20, line 62, "the compressed video can be accessed (and decompressed) by user of the system"), but does not explicitly state that the control is interactive. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have included the means for interactively controlling the multimedia modem means, compressing means, decompressing means, mixing means into Hoarty's system, since it would have given the user more control of the system and would have been able to respond quickly on system status such as overloading.

With respect to amended independent claim 31, Hoarty discloses the claimed apparatus including: means for **linking the first set of program source with the second set** (column 7, "Listings and advertisements will be transmitted to regional processing center... [line 5] converts and normalize pictures ... sounds and text into standardized format ...[line 20] the data are group"; and the rationale for rejections of claims 2 and 3 show the use of objective and subjective quality standard.); **means for controlling the quality** (column 7, line 47, "The

ad ... carried by the system can be text only, such as a simple .. or could contain a picture ..." shows the different quality, and thus showing the means for controlling it.); **means for interactively producing the second set** (column 7, line 24, "The associations ...are added to the respective objects ...[line 28] The hypertalk-like script ... is used to guild the user"), except for disclosing that the **user of the system can produce additional information** to the first set of program source material. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the system to allow a user to produce additional information, since it would have allowed the user to create more complete multimedia information.

With respect to dependent claim 32, Hoarty discloses the claimed apparatus including the means for **simultaneously displaying the second set with the first** (column 7, line 49, "The system can store and display in layered fashion).

With respect to dependent claims 33 and 34, Hoarty discloses the claimed apparatus as explained with respect to claim 31, which is incorporated herein, except for disclosing that **the second set provides more detailed information related to first** (claim 33) and **second set provides different from but related to the first set** (claim 34). However, Hoarty shows the grouping for the information (column 7, line 21, "the data are grouped by category ...then further processed to establish relevant associations or meaning amongst the data object"). It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have group the data in Hoarty's invention so that the second set provides more detailed information or provides relevant but different information from the first, since it would have been obvious ways of organizing information, so that users can follow the material logically.

With respect to dependent claim 35, Hoarty discloses the claimed apparatus as explained with respect to claim 31, which is incorporated herein, except for disclosing the means for **displaying the second set of program source material while producing the first.** Hoarty shows that the producing of the program material is done simultaneously with displaying of other information (column 6, line 9, "Data from these providers ... come into the regional center throughout the day ... This information is processed and customized", line 32, "the data being sent from regional processing center directly to the nodes" and column 3, line 16, "the subscriber interacts directly with the information stored in the node, and not with the information stored in the regional processing center" inherently shows that one set of information is produced while the other is being displayed.). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have displayed the second set of program source material while producing the first, since it would have allowed most up-to-date information be available to the users.

With respect to dependent claim 36, Hoarty discloses the means for selecting related services (column 12, line 61, "The printer 50 can also print store coupons for special

promotions."), except for disclosing that the selection is based upon the second set of program material. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have selected based on the second set, since the second set could have provided more detailed and relevant information of the service.

14. Claims 14 and 18-22 are rejected under 35 U.S.C. § 103 as being unpatentable over Hoarty et al., U.S. Pat. No. 5,220,420, 6/15/93 (filed on 9/10/91), 348/12 in view of Foster et al., U.S. Pat. No., 4,897,867, 1/90, 379/94 and Glick et al., U.S. Pat. No. 5,283,819, 2/1/94 (filed on 4/25/91), 379/90.

With respect to dependent claim 14, Hoarty discloses the claimed apparatus as explained with respect to claim 10, of which rejection is herein incorporated, except for disclosing that a **facsimile machine is connected to the IMD**. Glick discloses the use of facsimile devices for transmitting data in a multimedia communication network (Item 44 in FIG. 1 and column 4, line 36, "The telecommunications circuitry 12 not only encompasses voice and fax"). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have connected a facsimile used by Glick to Hoarty's multimedia communication system, since Hoarty's users had the phone lines available and the facsimile connection would have provided the users and the central system the capability to interchange copies of written files.

With respect to dependent claims 18-20, Hoarty discloses the claimed apparatus including: **multimedia decompression means** of claim 18 (in the Abstract, lines 16-20, "The nodes can also be used for decompressing ..."); **a key coding means** of claim 19 (column 19, line 63, "These commands can be scrambled ... each home interface controller would contain a descrambling "key"..."); and **a generator means** of claim 20 (column 3, line 2, "a regional processing center for assembling and processing the information" shows the means for generating.), except for disclosing a **music synthesizer**. Glick discloses a use of a music synthesizer in a multimedia system (Item 30 in FIG. 1; column 5, line 42, "Audio multimedia circuitry includes ... MIDI interface (which actually provides a telecommunications port for multimedia digital sound inputs)"). it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have incorporated Glick's music synthesizer into Hoarty's multimedia communication system, since the synthesizer would have allowed the digitized forms of audio to be interchanged and therefore, the audio could have been saved as digitized files for later reproduction on any device that was capable of playing the file.

With respect to dependent claims 21 and 22, Hoarty discloses the claimed apparatus as explained with respect to claim 10, which is herein incorporated, except for disclosing **data, voice and facsimile on a single telephone line** (claim 21) and **on multiple telephone lines** (claim 22). Glick discloses the transmission of data, voice, and facsimile on a single telephone line (column 2, line 42, "over a telephone line ... comprising a data/fax/voice"). It

would have been obvious to a person of ordinary skill in the art at the time the invention was made to have incorporated Click's transmission of data, voice, and facsimile on a single telephone line in Hoarty's multimedia system, since the use of a single line would have saved the cost of getting multiple telephone line services. Furthermore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have transmitted data, voice, and facsimile over multiple telephone lines, since, although it may have cost more, it would have sped up the transmission, as each line would have been dedicated for different types of transmission and thus, they could all have been transmitted simultaneously.

15. Claims 11 and 16 are rejected under 35 U.S.C. § 103 as being unpatentable over Hoarty et al., U.S. Pat. No. 5,220,420, 6/15/93 (filed on 9/10/91), 348/12 in view of Foster et al., U.S. Pat. No., 4,897,867, 1/90, 379/94 and Wilson et al., U.S. Pat. No. 5,195,092, 3/16/93 (filed on 8/30/91), 370/94.2.

With respect to dependent claims 11 and 16, Hoarty discloses the claimed apparatus as explained with respect to claim 9, herein the rejection of which is incorporated, except for disclosing that the **control of the transmission is accomplished using an interactive voice response system** (claim 11) and that a **telephone keypad** is used (claim 16). Wilson discloses the use of an interactive voice response system using a telephone keypad (column 22, line 58, "The voice network server 70 controls the modems, retrieves the subscriber's key presses and sends the key presses to the subscriber's session server"; column 6, line 63, "a

subscriber enters codes via a standard Touch-Tone telephone keypad"). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have used an interactive voice response system to control the transmission n, since the use of an interactive voice response system would have automated the interaction, thus not requiring a human operator to be stand-by at all time.

Response to Amendment

16. The amendment filed 9/15/95 and 10/6/95 is objected to under 35 U.S.C. § 132 because it introduces new matter into the specification. 35 U.S.C. § 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

In the amendment, page 4, line 1, "The program source material stored in the MCPS 44 are interactively accessed by a user through a telephone." is new matter. The previous specification only said the invention is an "interactive mastering system" and that "MCPS receives a DTMF signal or control data signal from the IMD by voice mode telephone (p.13, line 1)".

In the amendment, page 4, line 9, "In response to the DTMF signal, the MCPS 44 branches to an appropriate program branch..." is new matter. The previous specification states "MCPS receives a DTMF signal or control data signal ... then branches to an

appropriate point..." In other word, the new matter states that MCPS branches only in response to the DTMF signal, not the control data signal.

In the amendment, page 4, line 20, "an audio command from the telephone causes the IMD 52 to transmit the DTMF signal, which is received by the MCPS 44 in voice mode."(emphasis added) In the amendment, page 4, last line to page 5, line 2, "...the MCPS ...transmit synchronized voice and dataover the dual telephone lines."(emphasis added)

Applicant is required to cancel the new matter in the response to this Office action.

17. Applicant's arguments with respect to claims 40, 41, 31 have been considered but are deemed to be moot in view of the new grounds of rejection.

As per claim 40, which is amended cancelled claim 1, the amendment modifies the elements including, among others, "separating the information into primary and secondary layers using psychographic parameters to differentiate between important and less important multimedia information"; "a voice mode means responsive to the control signal for branching to a program branch in the optimized program materials indicated by the control signal." The amendment necessitate the withdrawl of the previous action and require the addition of Foster's prior art.

The previous claim 1 did claim having primary and secondary, but did not specify how they are differentiated. Further, the claim claimed that "the multimedia call processing system branches in accordance with the program materials (claim 1, line 21), but did not specify that the branching was responsive to the control signal from a voice mode. Therefore, Hoarty's layered database, and branching the multimedia data to different homes and operator receiving voice order (since voice is carried by audio signals) sufficiently disclosed the broadly claimed invention. Since Applicant's arguments on pages 17-20 rely heavily on the amended limitations, Applicant should refer to the rationale for the new rejection in the above section. Furthermore, Applicant uses the term psychographic parameters which is used to organize the primary and secondary layers, and Examiner provides a copy of Webster's dictionary definition of the term: *A psychological profile of an individual or group* (the copy of the definition provided). Therefore, Examiner's interpretation of the claimed well known term provides a sufficient basis for the rejection.

As per newly added dependent claim 41 which contains substantial number of limitations of cancelled claim 27, Applicant argues that Examiner did not provide adequate basis in Hoarty to reject the limitation "means for enhancing the primary layer from the multimedia modem means in accordance with the program model to enhance interactivity", because Examiner pointed out col.6, line 24 where Hoarty discloses that faster modem speed is preferred. Examiner does not agree, since the claims define the invention and Examiner is entitle to a broadest reasonable interpretation. In claim 27, Applicant claimed a means for

enhancing the interactivity of the multimedia data (i.e., primary layer). Since faster modem speed implies more data can be transmitted, it would improve the data interactivity. As per Applicant's arguments on pages 23 and 24 that Hoarty did not show mixing uncompressed data with the decompressed data, Examiner did not claim that Hoarty showed such. Rather, Hoarty pointed out that the information can be compressed. Therefore, sending both compressed and uncompressed data would have been obvious because a person of ordinary skill would have known that not all data can be compressed effectively.

Conclusion

18. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Serial Number: 08/265,391
Art Unit: 2412

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19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Hong whose telephone number is (703) 308-5465. The examiner can normally be reached on Monday-Friday from 8:00 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 305-9701. The fax phone number for this group is (703) 305-9724.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2412.


Stephen Hong

Patent Examiner

January 20, 1996


HEATHER R. HERNDON
SUPERVISORY PATENT EXAMINER
GROUP 2400